IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 25132 of 2004

Between:

V.Subhalakshmi D/o. Sri Ramachandra Murhty
Kakinada Dist.

..... PETITIONER

AND

1 The State of Andhra Pradesh rep by its Secretary Education Department Hyderabad.
2 The District Educational Officer East Godavari Dist
3 The Chief Executive Officer Zilla Parishad
4 The Audit Officer,Local Funds O/o.Zilla Parishad,Kakinada,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of Certiorari and after calling for the records in OA No.6028/2002 and quash the orders dt 21-12-2004 and consequently direct the respondents to extend the B.ED Assistant Scale of pay with incremental benefits in pursuance of the appointment order dt 6-2-1987 with all consequential arrears.

Counsel for the Petitioner:MR.G.V.L.N.MURTHY

Counsel for the Respondents.: GP FOR SERVICES II

The Court made the following order at the stage of admission:

ORDER:

This writ petition is filed to issue a Writ of Certiorari and after calling for the records in O.A.No.6028 of 2002 to quash the orders dated 21-12-2004 and consequently direct the respondents to extend the B.Ed. Assistant Scale of pay to the petitioner with incremental benefits in pursuance of the appointment order dated 6-2-1987 with all consequential arrears.

2. The petitioner sought the following relief in the O.A.No.6028 of 2002:-

i. *"To declare that the in action on the part of the respondents towards the applicant, is improper, illegal and unjustified and therefore bad in law, and consequently;*

ii. *To direct the Respondents to treat the applicant as Regular B.Ed., Assistant from the date of selection on 6.2.1987 and to fix her pay in the B.Ed., Scale of Rs. 1,280-2440 accordingly with all the consequential benefits and to pay the arrears of salary etc., to the applicant without any further delay and ;*

iii. *To allow the application."*

3. We are not inclined to refer to various events that took place for seeking relief before the Tribunal. But, however, after considering the matter the Tribunal had disposed of the O.A. with the following directions:

> *"Unfortunately even though the Applicant submitted several representations, the Respondents have not bothered to take any decision. It is also not possible based on the conflicting*

submissions made by Respondents 2 and 4 to pass any meaningful orders with regard to the claim of the Applicant. In the circumstances, this O.A., is disposed of at this stage with a direction to the 1st Respondent viz., the Secretary to Government, School Education Department, Andhra Pradesh to examine the case of the Applicant in detail and take a decision keeping in view the totality of facts and circumstances as well as peculiar circumstances leading to the situation. Since the representations said to have been submitted by the Applicant are by now stale, she is directed to submit a fresh representation to the 1st Respondent within three weeks from the date of receipt of a copy of this Order. The 1st Respondent shall consider the representation in detail, if necessary, give a personal hearing to the Applicant, even permit her to be represented by a Counsel, hear and dispose of the representation within six weeks from the date of filing of the same. No costs."

4. The learned counsel for the petitioner submits that the Tribunal ought to have decided the matter on merits, since the matter was pending for considerable length of time. Even the respondents have not filed counter opposing the claim of the petitioner and under those circumstances the learned counsel for the petitioner submits that the impugned order is liable to be set aside.

5. Heard the learned Government Pleader for respondents.

6. We are not inclined to interfere with the order of the Tribunal, as the Tribunal directed the petitioner to file detail representation by explaining the justification for the claim made by her. Under those circumstances, the Tribunal further directed the respondents to permit the petitioner to be represented by a counsel, hear and dispose of the representation within six weeks from the date of filing of the same. We are not inclined to interfere with the order of the Tribunal.

7. Accordingly the Writ Petition is disposed of. No order as to costs.

G. Bikshapathy,J.

P.S.Narayana, J.

31st January, 2005

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, State of Andhra Pradesh , Education Department Hyderabad.
2 The District Educational Officer East Godavari Dist
3 The Chief Executive Officer Zilla Parishad
4 The Audit Officer,Local Funds O/o.Zilla Parishad,Kakinada,

5. 2CCs to G.P. for Services, High Court Buildings, Hyderabad (OUT)

6.2CD copies

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

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31st January, 2005.